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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/631,056
Filing Date: July 31, 2003
Appellant(s): BAVARIA ET AL.

Wayne P. Bailey (Reg. No. 34,289)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09 March 2009 appealing from the Office action mailed 11 July 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

7024547	**Kartoz**	**04-2006**
6779004	**Zintel**	**08-2004**
U. S. 2004/0107329	**Krejsa**	**06-2004**

5854905 **Garney** **12-1998**

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-5, 7, 9-11, 13, 15-17 and19 are rejected under 35 U.S.C. 102(e) as being anticipated by Kartoz, U. S. Patent No. 7024547.

Regarding claim 1, Kartoz discloses a method in a data processing system for identifying device configurations (see e.g. col. 2 lines 7-33; discovering and initializing device within a computer system during the booting), the method comprising: identifying unique identification information for a set of devices in the data processing system to form identified unique identification information (see e.g. col. 4 lines 17-43; memory devices has an associated reference identification data which is unique to each particular device); comparing the identified unique identification information with previously identified unique identification information (see e.g. col. 3 line 66-col. 4 line 16 and col. 4 lines 56-64; when the computer is booted it does a device discovery step which checks to ascertain or determine whether or not the configuration of the memory

devices have changed using the reference identification data acquired during the previous boot); moving configuration data to a memory for devices in the set of devices in which a match exists between the identified unique identification information and the previously identified unique identification information for devices (see e.g. col. 4 line64-col. 5 line 4; if the if the reference identification data of the device match, the system uses the reference initialization data to initialize the device); and obtaining configuration information from a device in which configuration information is absent in the memory after configuration data has been moved to the memory for the devices to form a current set of configuration data for the set of devices (see e.g. col. 4 lines 17-32 and col. 5 lines 5-9; when it is determined that the configuration has changed, a device discovery and initialization procedure is performed to obtain the reference data uniquely associated with that particular device), wherein the previously identified unique identification information is accessed using a table associated with the configuration data for the set of devices, wherein the table comprises (i) an index used to locate particular configuration data for a particular device, (ii) information used to address the particular device, and (iii) an offset to a memory location within the particular device at which particular unique identifier information for a particular device is stored (see e.g. fig. 9A and col. 4 lines 44-55; The figure shows a reference table that is associated with configuration data and is used to determine whether the unique identification reference data has been changed).

Regarding claim 3, Kartoz discloses wherein the unique identification information is a

unique device identifier (see e.g. col. 4 lines 37-38).

Regarding claim 4, Kartoz discloses wherein the current configuration data for the set of devices is stored in a set of files (see e.g. col. 5 lines 50-61).

Regarding claim 5, Kartoz discloses wherein the unique identification information is identified by reading the unique identification information from the set of devices (see e.g. col. 6 lines 4-9).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kartoz in view of Zintel, U. S. Patent No. 6779004.

Regarding claims 2, Kartoz discloses the invention substantially as claimed. Kartoz does not explicitly disclose storing unique device identifiers in a random access memory (RAM). However, Zintel discloses system for auto-configuring of peripherals that stores unique device identifier in random access memory (see e.g. col. 44 lines 2-7 and col. 45 lines 49-54). At the time of the invention it would have been obvious to a person of ordinary skill in the art to store the reference unique identification of a device found in

Kartoz using Random Access Memory (RAM). Motivation for doing so would have been obvious for the fact that RAM give computer the ability to find and go directly to the particular storage location without having to search sequentially from the beginning location. Especially it is useful in the initial program load in operating systems as it expedites the finding of configuration files of the connected devices.

5. Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kartoz in view of Zintel and Further in view of Krejsa, U. S. Application No. 2004/0107329 A1. Although combination of Kartoz-Zintel disclose the invention substantially as claimed, they do not explicitly disclose indexing of memory table and dividing the memory into different regions. Krejsa teaches a system for partitioning memory into different regions and having index field corresponding to pluralities of entries in the initialization table (see e.g. paragraphs [0004], [0020], [0022] [0024] and [0032]). At the time of the invention it would have been obvious to a person of ordinary skills in the art to combine the teachings of Kartoz-Zintel with that of Krejsa. Motivation for doing so would have been to easily distinguish and organize the configuration data stored in the memory by the regions associated and their index number.

6. Claims 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kartoz in view of Garney, U. S. Patent No. 5854905.

7. Regarding claim 21, although Kartoz discloses the invention substantially as claimed, it does not explicitly disclose identification of devices that are connected to plurality of different buses.

Garney teaches a system for managing boot-up and initialization process of plurality of devices that are connected to multiple different buses (see e.g. fig. 3, col. 2 lines 21-35 and col. 6 lines 16-32). At the time of the invention it would have been obvious to person of ordinary skill in the art to combine the teachings of Garney with that of Kartoz. Motivation for doing so would have to make the system of Kartoz more efficient by extending the device initialization from a single bus to multiple buses.

Regarding claim 22, Kartoz-Garney teaches wherein one device of the set of devices contains, in addition to unique identifier information for the one device, identifying information for locating another device of the set of devices within the data process system (see col. 12 lines 36-58).

Regarding claim 23, Kartoz-Garney teaches wherein the data processing system comprises a plurality of different buses and wherein the identifying information comprises a bus identifier and an address identifier of where the another device is accessible in the data processing system (see col. 6 line 56-col. 7 line 14).

Regarding claim 24, Kartoz-Garney teaches wherein the memory is a volatile memory and wherein the configuration data is moved from a non-volatile memory to a volatile memory (see e.g. col. 3 lines 44-67).

Regarding claim 25, Kartoz-Garney teaches wherein the current set of configuration data is moved to the non-volatile memory from the volatile memory after being obtained (see e.g. col. 4 lines 28-48).

Regarding claim 26, Kartoz-Garney teaches wherein identifying step is performed by an embedded processor of the data processing system while a plurality of processors of the data processing system are powered-off (see e.g. col. 6 lines 43-55).

Regarding claim 27, Kartoz-Garney teaches wherein the obtaining step is initiated by the embedded processor during an initial program load of the data processing system (see e.g. col. 4 lines 61-67).

(10) Response to Argument

Appellant argues, in substance,

A) The combined references fail to teach moving configuration data to a memory for devices in the set of devices in which a match exists between the identified unique identification information with previously identified unique identification information for devices.

B) The Kartoz reference fails to disclose a reference table that is equivalent to the instant claimed reference table.

In response,

A) In response to Appellant's argument, examiner submits that Kartoz discloses a comprehensive system for initializing hardware devices of a computer system. Fig. 6 of Kartoz shows the process of memory discovery and initialization of the hardware devices upon boot up. In particular, the system during the boot up checks initialization data and reference identification data to determine whether or not the memory configuration has changed from the last time the initialization was run. It retrieves current identification data from each of the memory devices and compares the retrieved data with the reference identification data to determine whether of not the configuration of the memory devices have changed. If the system founds the identification data and reference data to be a match then it proceeds by moving the obtained reference initialization data and the reference identification data to non-volatile memory storage (see col. 4 line 56-col. 5 line 15). Therefore, Kartoz indeed discloses the argued limitation as currently presented.

B) In response to Appellant's argument, indeed the reference table of Kartoz, among other things, discloses a reference data uniquely associated with the memory device, it carries out initialization process using the unique identification reference to see if the configuration of the memory device has changed and lastly it stores the initialization data along with reference identification data (see e.g. fig. 9A and col. 4 line 44-col. 5 line 4). Additionally, there is no structural difference between the claimed

initialization table and the initialization table of Kartoz. The only visible difference is the intended use of the table and what sort of data it stores. Ironically, both the Kartoz reference and claimed invention uses the stored data in the table to configure and initialize hardware device. Therefore, the Kartoz still meets the scope of the claim limitation as present claimed.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Mohamed Ibrahim/

/William C. Vaughn, Jr./

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